

Notice of Allowability

Application No.

10/822,231

Applicant(s)

LAZAR ET AL.

Examiner

Chun Crowder

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to 06/20/2007, 07/05/2007 and 07/06/2007.

☒ The allowed claim(s) is/are 46.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 06/26/2007

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

1. Applicant's amendment, filed on June 20, 2007, has been entered.

Claims 1-45 have been canceled.

Claim 46 has been added.

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

3. Authorization for this Examiner's Amendment was given in a telephone interview with applicant's representative Robin Silva on 07/05/2007.

In the Specification:

4. In the TITLE: "Optimized Fc variants and methods for their generation" has been replaced with -- Optimized Fc Variants --.
5. See attached Amendment to the Specification for a current copy of the paragraph [001] of the specification.
6. See attached Amendments to the Claims for a current copy of the claims including the current amendments to the claims.

REASONS FOR ALLOWANCE

7. The following is an Examiner's Statement for Reasons for Allowance:

In light of applicant's amendment to the claims, filed on June 20, 2007, and the filing of Terminal Disclaimers in compliance with 37 CFR 1.321(c) or 1.321(d) on January 17, 2007, the previous rejections under 35 U.S.C. 112, first paragraph enablement and written description and obvious double patenting over copending USSN 10/672,280 have been withdrawn. Further, applicant asserts that the instant application and USSN 10/672,280 were commonly owned at the time this invention was made (see Communication after Final filed on July 6, 2007).

Accordingly, the instant claims are deemed allowable.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Crowder whose telephone number is (571) 272-8142. The examiner can normally be reached Monday through Friday from 8:30 am to 5:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chun Crowder, Ph.D.

Patent Examiner

July 5, 2007

Phillip Gambel
PHILLIP GAMBEL, PH.D. JD
PRIMARY EXAMINER
TR 1600
7/9/07

Listing of Claims

Claims 1-45 (Cancelled).

46. (New) An antibody ~~and/or~~ or an immunoadhesin of a parent Fc polypeptide, said antibody ~~and/or~~ or immunoadhesin comprising an amino acid modification at position 332 in the Fc region of said parent Fc polypeptide, wherein said antibody ~~and/or~~ or immunoadhesin ~~protein~~ exhibits altered binding to an FcγR as compared to said parent Fc polypeptide, wherein numbering is according to the EU index.

Amendment to the Specification

Please replace paragraph [001] on page 1, with the following rewritten paragraph:

--This Application is a continuation-in-part of U.S. Serial Number 10/672,280, filed September 26, 2003, which claims the benefit of the filing date under 35 U.S.C. § 119(e) to U.S.S.N.s 60/477,839 filed June 12, 2003; 60/467,606 filed May 2, 2003; 60/414,433 filed September 27, 2002; and 60/442,301 filed January 23, 2003, and is a continuation-in-part of U.S.S.N. 10/379,392, filed March 3, 2003, which is now abandoned, all of which are expressly incorporated by reference in their entirety. U.S.S.N. 10/379,392 claims the benefit of 35 U.S.C. § 119(e) to U.S.S.N.s 60/384,197, filed May 29, 2002 and 60/360,843, filed March 1, 2002.